Human Resources Policies Revision

MSU is undertaking a project to revise the Personnel Policies and Procedures Manual. The Manual was initially adopted in 1984 and the last major revision occurred in 1992. Over the subsequent years, some policies have been revised but the vast majority have not been regularly updated.

The policy revision and update is occurring for several reasons. First, state law and Board of Regent’s (BOR) policies dictate much of the substantive rules pertaining to the university’s employees. Changes to these statutes and the administrative rules adopted under the BOR policies have resulted in revisions that have not been incorporated into the university’s Personnel Policy and Procedures Manual.

Second, over time, terms used in the policies and practices of human resources have changed. The goal is to provide a consistent terminology for the categories of the university employee workforce and apply consistent terminology throughout the new Human Resources policies.

Third, some policies are no longer needed or relevant and can be removed while there may be some new policies that the university should have in place to be consistent with best practices in human resource management.

Guiding Principles

The revision is directed by certain guiding principles. The policies will

- use the MSU Policy Template, including an “Introduction and Purpose” section that will explain the purpose of each policy.
- use a simplified numbering system with the policy.
- have each subject as a separate policy, which will make it easier to revise and update without affecting other policies.
- identify the categories of employees that are affected by the policy.
- relate to terms and conditions of employment.
- include references to state law, administrative rules and BOR policies by the use of hyperlinks.
- will be adopted as new policies through the University Council process.

Although the policies will be free-standing, they will be posted on the university website in an electronic format that will allow employees to access all policies related to their terms and conditions of employment at Montana State University. The table of contents will be grouped into categories. A number of existing policies that apply to employees (e.g., Conflict of Interest, Performance Evaluation) will be included by link in the list of HR policies.
The policies will be limited to a statement of policy with very little reference to procedures in most instances. Because procedures can change periodically, references to procedures will not be included in policy, but will be accessible through a separate link.

The Human Resources policies of the Department of Administration and the policies of other universities were consulted to determine current best practices for human resources policies.

**Summary of HR Policies Revisions by Topic:**

The following summary provides an overview of policy revisions. The use of interline and underline was not feasible for identifying every revision since the formatting was changed significantly. Many of the policies included below are governed by state and federal law and/or BOR policies. The university is without authority to revise these policies in a manner that is inconsistent with the law or BOR policies. If there is a limitation created by BOR policy or the law, it is referenced to inform reviewers of the limitations in providing comments. Any policy affected by a BOR policy or state and federal law will be noted with an asterisk below.

Each policy will be identified as either new, a major revision or a slight revision. Existing policies included by link have not been reviewed for revision as part of this project. Each linked policy will be denominated as “no revision,” and will be linked as currently written.

1. **Introduction** – Slight revision
   The Introduction replaces the previous introduction and addresses the application and purpose of the Human Resources Policies. The outdated process for amendment was removed and the policies will be amended as all other policies of the university through the University Council process. The introduction also clarifies the respective authority and responsibilities of the Board of Regents and the university regarding human resources policies.

2. **Employee Categories** – Slight revision
   This policy applies to all employees and is a slight revision of existing policy to provide a more detailed description of the various types of employees in the university workforce. The terminology for contract employees has been revised to remove the reference to “professional” since there are professional employees included in the Montana University System Staff Compensation and Performance Development Guidelines and Pay Rules [MUS Staff Pay Plan] and the use of the term professional was not legally accurate. Terms related to the various classified employee categories were also revised to make a distinction between classified employees who have successfully completed a probationary period and other temporary and limited term employees. A detailed discussion related to temporary employees was removed to limit the topic of the policy to the description of the categories.

3. **Workplace Expectations and Conduct:**
   a. *Public Employee Responsibilities – NEW*
This policy applies to all employees and is a collection of the responsibilities of public employees as set forth in referenced state statutes, BOR policies and Commissioner’s Directives.

b. *Work Schedules – NEW
This policy applies to nonfaculty employees. The policy establishes the standard workweek for the university; incorporates the Commissioners Directive and state law related to work hours; clarifies that work schedules are set by departments to assure access for department constituents; and clarifies work hours for exempt and nonexempt employees.

c. *Classified Employee’s Probationary Period – Slight revision
This policy applies to classified employees. The policy is a slight revision of existing policy and outlines the rules related to newly hired classified employees serving a probationary period before becoming a classified employee with permanent status.

d. *Relationships in the Workplace – Major revision
  i. Replaces “Nepotism” Section 430.00 of current Personnel Policies and Procedures Manual.
  ii. This policy applies to all employees and clarifies that it is considered a conflict of interest for an employee of MSU to contract with or employ a relative or partner. Relatives or partners may apply for positions at MSU but the employee that is the relative or partner may not participate in the selection process. The CHRO will assure that the affected employee is removed from influence or decision making regarding HR policies. The policy also incorporates the federal regulations that prohibit hiring or contracting with a relative or partner when federal grant funds are involved. If a conflict of interest is identified and needs to be addressed, it will be addressed under the Conflict of Interest Policy with the assistance of Office of Research Compliance.

e. *Use of University Property, Services and Resources – NEW
This policy applies to all employees and is proposed as a new policy that will implement the prohibitions found in state law governing the rules of conduct for public officers and employees. The policy prohibits the use of university property, services and resources for personal or private business purposes.

f. *Conflict of Interest – No revision
Existing Policy will be connected by link to the Human Resources Policies.

g. *Vehicle Use Policy – No revision
Existing policy will be connected by link to the Human Resources Policies.

h. Consulting - Nonfaculty Employees – Major revision
This policy applies to nonfaculty employees and is a significant revision of the existing policy. The policy sets for the rules for nonfaculty employees who may wish to engage in professional consulting. The policy clarifies that consulting may not be undertaken without advance approval and may not be performed during scheduled work hours. Employees may not engage in consulting which interferes with the employee’s work for the university or otherwise creates a conflict of interest.

i. Telework Policy - NEW
This policy applies to all employees as specified and establishes the guidelines for telework by university employees. Modeled after the Department of Administration Policy.

j. Workplace Violence Prevention Policy – Slight revision
This policy applies to all employees and is proposed as an update of the existing policy of the university. It will be linked to the Human Resources policies. This policy applies to all
employees and commits the university to maintain an environment free from “violence, threats of violence, harassment, intimidation, and other disruptive behavior.” The guidelines for employees will be connected to the policy by a link.

k. *Drug, Alcohol and Tobacco Free Workplace – Slight revision
This policy applies to all employees and is an update to an existing policy. The policy implements the requirements of the Drug Free Workplace Act, a federal law that requires a drug free workplace for all federal contractors, and portions of the Drug-Free Schools and Communities Act and Board of Regents Policy 503.1. The policy prohibits the unlawful use, possession, manufacture, distribution, purchase or sale of controlled substances and abuse of alcohol on university property. As required under federal law, the policy provides information about health risks and legal sanctions related to drug related offenses. The policy also implements the university’s Tobacco Free Campus Policy requirements.

l. *Discrimination, Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Stalking and Retaliation – No revision
Existing policy will be connected by link to the Human Resources Policies.

m. Reasonable Accommodations Guidelines - NEW
This policy applies to all employees and those applying for employment. This policy is a new addition to the Human Resource policies and is being proposed as an Affiliated Campuses policy which will apply to all MSU campuses. The guidelines outline how employees and applicants with a disability may request an accommodation to allow them to access preemployment processes or to perform the essential functions of their position.

n. Reporting Suspected Legal, Regulatory or Policy Violations – No revision
Existing policy will be connected by link to Human Resources Policies.

o. *Acceptable Use of Information Technology - No revision
Existing policy will be connected by link to Human Resources Policies.

p. *Political Activity of Public Employees – No revision
Existing Commissioner’s Directive will be connected by link to Human Resources Policies.

q. *Patent, Copyright and Intellectual Property Agreements – No revision
Existing policy will be connected by link to Human Resources Policies.

4. Performance Management:
   a. Performance Evaluation – Slight revision
   Applies to classified employees with permanent status and contract employees. Slight reworking of existing Performance Evaluation policy. Date for completion of performance evaluations was changed from April 15 to June 30.

   b. Performance Management and Progressive Discipline – Major revision
   Applies to classified employees with permanent status and contract employees. The policy revises existing Progressive Discipline Policy. The policy was revised to clarify disciplinary action and what steps will be taken when disciplinary action is appropriate. Some sections were moved to the new Separation from Employment policy. The policy updates the examples of causes for termination. A portion of the Just Cause section of the existing policy was removed since it was not applicable to all employees and did not apply to all situations which may result in discipline.

5. Classification and Compensation:
   a. *Staff Classification and Employee Compensation Administration – NEW
This policy applies to all employees as described in the policy. The policy clarifies the authority of the Board of Regents in determining the Staff Classification Plan and establishing salary and salary adjustments for employees.

b. *Longevity Allowance – NEW
This policy applies to classified employees. Describes the application of longevity allowances for classified employees who have completed five years of service. The policy is consistent with Montana statutes governing longevity for state employees.

c. Payroll Rules – NEW
This policy applies to all employees. The policy combines previous payroll policies, including time and attendance reporting and FY/AY conversions, into a single policy related to the payroll processing rules.

d. Overpayments and Underpayments – Slight revision
This policy applies to all employees and is a revision of existing policy. The policy establishes how the university will address salary overpayments and underpayments.

e. *Overtime and Nonexempt Compensatory Time – Major revision
This policy applies to employees eligible for overtime under the federal FLSA and state law. This policy is a major revision of existing policy to comply with BOR 708.1.1 which adopts the Department of Administration overtime and nonexempt compensatory policy. The policy is now consistent with the most recent Department of Administration policy. The section on departmental discretionary compensatory time for exempt employees has been removed.

f. Additional Compensation – Slight revision
This policy applies to all employees as referenced and revises the existing interim policy to be consistent with existing practices and to incorporate federal regulations related to payments from federal grants.

g. *Employee Travel and International Travel Policy – No revision
i. Existing policy will be connected by link to Human Resources Policies.
ii. Existing policy will be connected by link to Human Resources Policies.

h. *Payment or Expense Reimbursement for University Employees – No revision
Existing policy will be connected by link to Human Resources Policies

6. Benefits & Leaves:

a. *Annual Vacation Leave – Major revision
This policy applies to all employees and is a major revision of existing policy to conform with the requirements of BOR Policy 708.1.1 which adopts the Department of Administration policy. The Department of Administration policy is adopted with only small revisions to conform to university nomenclature. The BOR policy regarding annual leave for faculty is also adopted.

b. *Sick Leave – Major revision
This policy applies to all employees as referenced. This policy is a major revision of existing policy to conform with the requirements of BOR Policy 708.1.1 which adopts the Department of Administration policy. The Department of Administration policy is adopted with only small revisions to conform to university nomenclature.

c. Donated Sick Leave – Slight revision
This policy applies to all employees eligible for sick leave. The policy updates existing policy regarding the rules related to the donation of sick leave and its use by employees.

d. *Family and Medical Leave – Major revision
This policy applies to all employees. Complete and major revision of existing policy to assure consistency with federal law and regulations relating to the FMLA. The policy is proposed as an Affiliated Campuses policy which would apply to all campuses of MSU. Provides information on the availability of family and medical leave and the use of such leave.

c. **Maternity and Parental Leave – Major revision**

This policy applies to all employees as referenced and is a major revision of existing policies. The policy provides rules for maternity and parental leave as authorized under existing state and federal laws. This policy is proposed as an Affiliated Campuses policy which would apply to all campuses of MSU.

d. **Breastfeeding Policy – No revision**

Existing Policy will be connected by link to Human Resources Policies.

e. **Leave of Absence without Pay – Major revision**

This policy applies to all employees as referenced and is major revision of existing policy to conform with the requirements of BOR Policy 708.1.1 which adopts the Department of Administration policy. The Department of Administration policy is adopted with only small revisions to conform to university nomenclature.

f. **Military Leave – Major revision**

This policy applies to all employees and is a major revision of existing policy to conform with the requirements of BOR Policy 708.1.1 which adopts the Department of Administration policy. The Department of Administration policy is adopted with only small revisions to conform to university nomenclature.

j. **Holidays and Holiday Pay Policy – Major revision**

This policy applies to all employees. Major revision of existing policy to conform with the requirements of BOR Policy 708.1.1 which adopts the Department of Administration policy. The Department of Administration policy is adopted with only small revisions to conform to university nomenclature. The policy combines previously separate policies on holidays and holiday pay.

k. **Workers’ Compensation/Industrial Accident – Slight revision**

This policy applies to all employees and updates the existing policy to reflect current requirements for reporting accidents and administering worker's compensation benefits through the university.

l. **Stay at Work/Return to Work – No revision**

Existing Policy will be connected by link to Human Resources Policies.

m. **Tuition Waivers – Slight revision**

This policy applies to all employees and slightly updates the existing policy to conform to the policy template, remove outdated reference to MSU Faculty Handbook and add a section on the dependent tuition waivers.

n. **Moving and Relocation Expenses – Slight revision**
This policy applies to all employees and is a minor revision of existing policy covering the rules related to the reimbursement of employees for moving and relocation expenses.

o. Training and Professional Development – Major revision
This policy applies to all nonfaculty employees and is a major revision of existing policy to clarify the requirements for seeking approval and authorizing work time for training and professional development.

p. Mobile Communications Devices – No revision
Existing Policy will be connected by link to Human Resources Policies.

7. Personnel Records – Major revision
This policy applies to all employees as referenced and is a major revision of existing policy. The revised policy describes the types of employee records that the university maintains and identifies the circumstances under which these records may be accessed. Outdated material in the existing policy was removed and updated to reflect current practices.

8. Separation from Employment:
   a. Separation from Employment Policy – Major revision
   This policy applies to all employees as referenced and is a major revision of existing policies. This policy outlines the various actions that result in separation from employment including retirement, resignation, non-renewal of contracts and termination of employment for cause. The revisions removed procedural matters, added new content and updated all sections to reflect the various types of separation from employment.
   b. *Voluntary Employee Benefit Association – VEBA – No revision
   *Voluntary Employee Benefit Association – VEBA – No revision
   Link will be provided to the VEBA website of the State of Montana.

9. Employee Grievance Policy and Procedure – Major revision
This policy applies to all employees not covered by a collective bargaining agreement and significantly revises existing policy to include reference to grievance policies for all categories of employees, clarification of matters not grievable under the policy and other less substantive revisions.

Sections from the Personnel Policies and Procedures Manual that were removed:

200.00 Administrative Organization was removed. This section discussed the administrative structure of the former Personnel and Payroll Services unit, the Personnel Board and CEPAC. The organizational structure is not a policy and is likely to change. Therefore, we have removed it. The Personnel Board will be replaced in the Employee Grievance Policy by an ad hoc board appointed at the time of the grievance. The Personnel Board was not used often enough to continue as a standing committee. CEPAC has been renamed Staff Senate and now has its own site: http://www.montana.edu/staffsenate/ and need not be included in the HR Policies.

320.00 and 330.00 references to “utilization,” compensation and benefits were removed. The section was revised to reflect only a description of the Employment Categories without discussion of utilization, compensation and benefits. HR will develop a chart that will show the benefits applicable to each Employment Category. The eligibility for benefits is determined by state law and the Board of Regents benefits plan. It is best if references to benefits be separately maintained so that any changes to benefits can be updated without requiring a policy revision.
400.00 Recruitment and Selection was removed because it did not represent current practice. The Nepotism section was revised to become the section entitled Relationships in the Workplace. The rest of the section will be updated and incorporated into a new set of Recruitment and Hiring Guidelines to be presented at a later date.

500.00 Orientation and Probationary Service. New Employee Processing and New Classified Employee Orientation were removed. HR has further developed its processes for orientation of new employees. Since the manner in which orientation may occur will change frequently, it is best handled not as a policy but as a set of procedures. The Classified Employee’s Probationary Period was updated and included as a section in the new HR Policies.

910.00 Classified Pay Rules was removed. This section referred to the classification system operated by the state and was not currently applicable to the classification system used by the Montana University System currently. References to the current system are included in the Classification and Compensation section of the new HR Policies.

915.60 Overtime-Exempt Employees was removed to eliminate the practice of tracking and using hour for hour compensatory time for overtime exempt employees who are treated as salaried employees under the Fair Labor Standards Act.

945.00 and 950.00 Partial Month Pay Calculations and Perquisites were removed since they were outdated and referred primarily to procedures rather than policies.

1210.00 and 1220.00 Sexual Harassment and Equal Opportunity/Affirmative Action policies were removed since they have been replaced by the University Non-Discrimination Policy and the university’s Affirmative Action Plan.